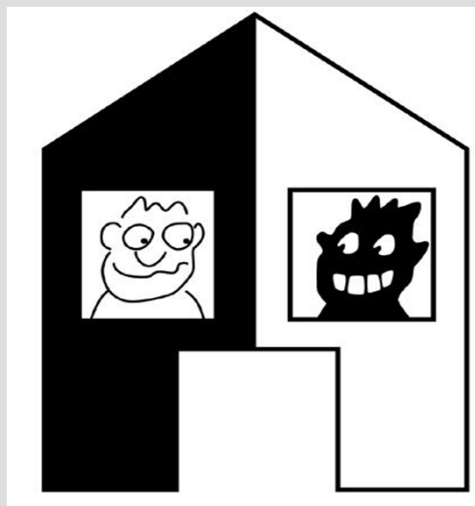


# ASYLUM SEEKERS/REFUGEES ACROSS BORDERS IMPACT ON NGOs

EU Consult Summer Congress, Vienna

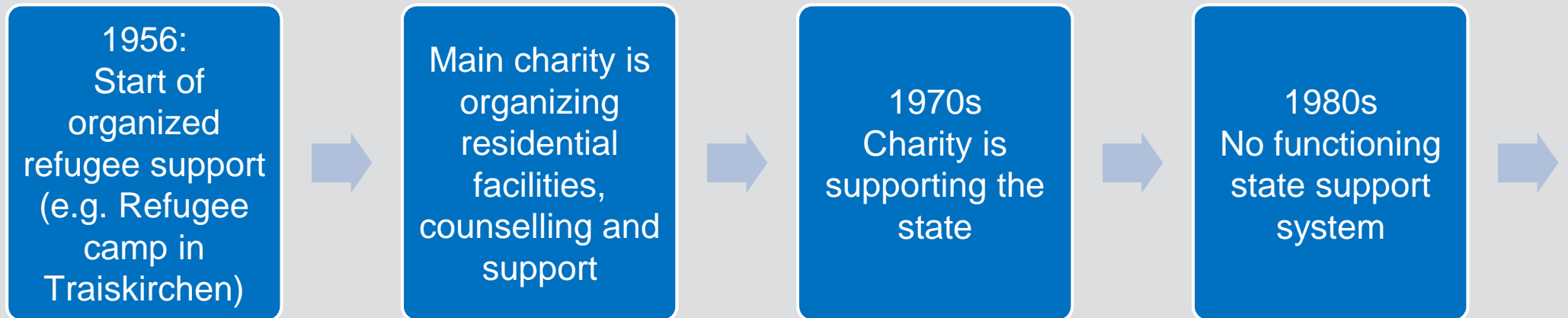


Lioba Kasper  
Head of Legal Advice

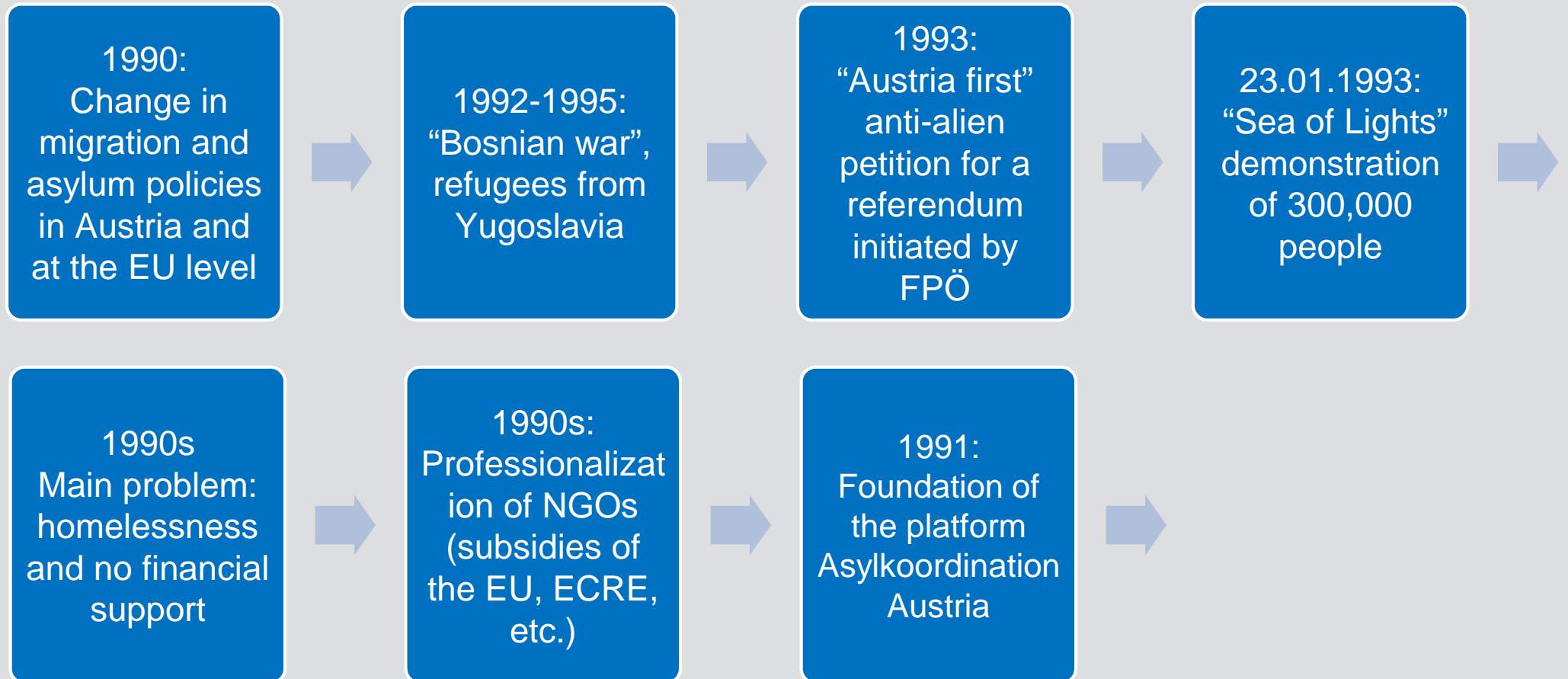
Verein Projekt Integrationshaus

14 June 2014

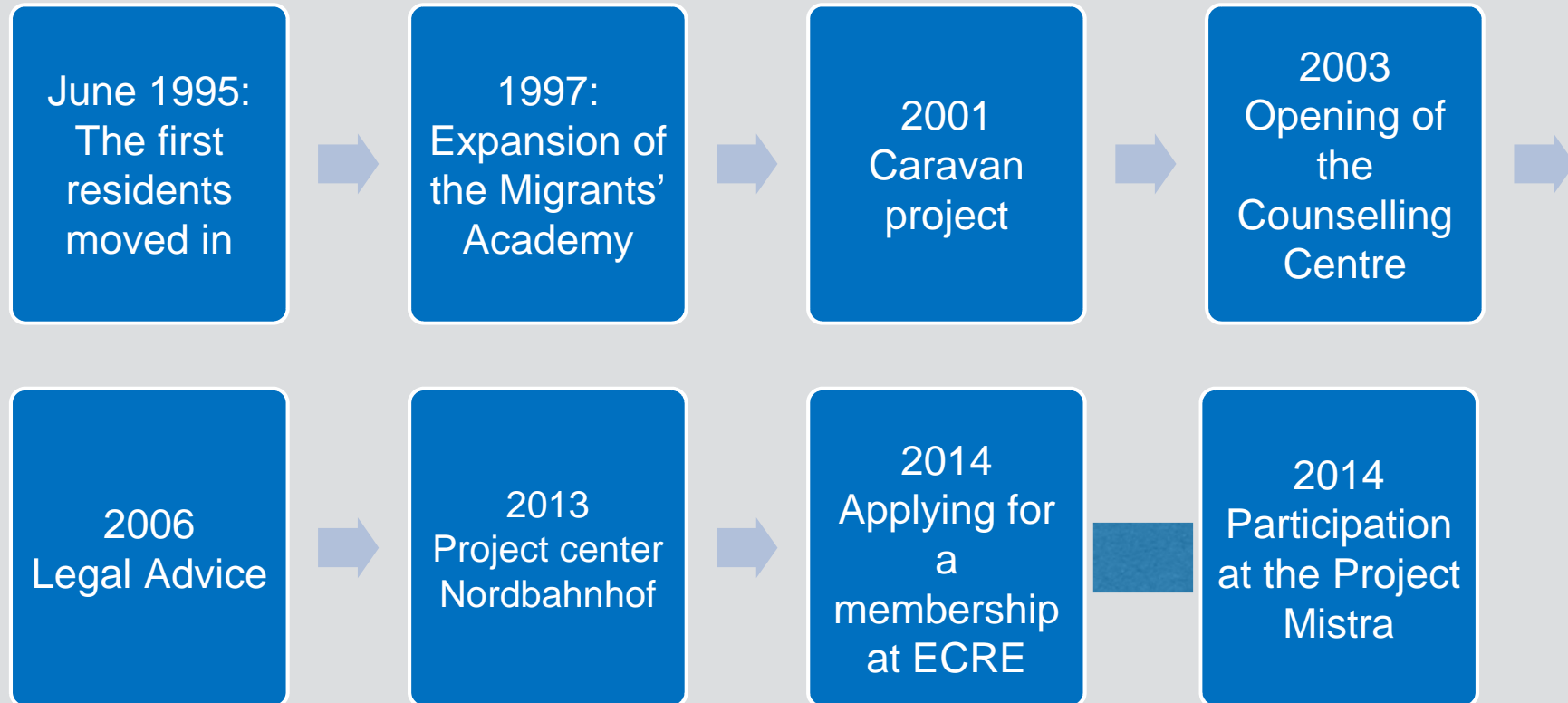
# Development of NGOs in the Austrian Asylum regime



# Development of NGOs in the Austrian Asylum regime



# Development of the Integrationshaus



# Integrationshaus is...

...a project centre for the reception and integration of asylum seekers and persons granted asylum, displaced persons, persons protected under the non-refoulement principle as well as migrants.

...a long-standing alliance between the arts/cultural scene and social work

...a training academy

...an NGO

...an expert centre for political comments and expert opinions that lobbies for refugees and migrants.

EU

Consult

[www.integrationshaus.at](http://www.integrationshaus.at)

Integrationshaus



# The main activities

Support projects

Counselling projects

Education projects

Culture, events, press work and lobbying

## Counselling projects

Counselling Centre for asylum seekers and refugees receiving basic welfare support

Legal advice for asylum seekers and foreigners

# The Austrian Asylum System in an European Context

Legal instruments:

- Charta of Fundamental Rights of the European Union
- The Dublin System
- The Qualification Directive
- The Eurodac Regulation
- The Reception Conditions Directive
- The Asylum Procedures Directive



The Common European Asylum System (CEAS)



# The Austrian Asylum System in an European Context

## Jurisdiction:

- European Court of Human Rights
- European Court of Justice
- Decisions of Courts in other Member States

## NGOs:

- Best practice examples from other Member States
- Information of the situation in the Member State through NGOs
- Cooperation and Networking of NGOs

# Dublin System

- Which Member State is responsible for examining an asylum application?
- Objective:
  - Eliminate “asylum shopping”
  - prevent “refugee in orbit” situation

On the right:

Dublin transfers from Austria to Member States in 2012

Belgium	18
Bulgaria	12
Croatia	-
Cyprus	5
Czech Republic	13
Denmark	4
Estonia	0
Finland	2
France	23
Germany	43
Greece	0
Hungary	264
Ireland	0
Italy	265
Latvia	1
Lithuania	21
Luxembourg	0
Malta	1
Netherlands	15
Poland	183
Portugal	1
Romania	17
Slovakia	37
Slovenia	9
Spain	27
Sweden	16
United Kingdom	6
<b>TOTAL</b>	<b>983</b>

## Dublin System

### ➤ Critique:

- Unfair mechanism of 'burden sharing' among Member States
- 'automatic mutual trust' criterion between MS could imply the violation of the essential principle of non-refoulement
- Differences between the asylum systems of MS
- Marginal consideration of the personal circumstances of the Asylum seeker

# Dublin System

- Persons: Two minor sisters and their grown-up brother from Afghanistan
- Escape Route: Iran -> Turkey -> Greece -> Serbia -> Hungary (applied for Asylum) -> Austria (2012)
- Procedure in Austria: Austria decided that Hungary is responsible and they should get deported!
- Measures at an European level:
  - > Interim Measures were granted (European Court of Human Rights)!
  - > Complaint to the European Court of Human Rights
  - > Contact to NGOs in Hungary
- **Result: In the meantime the European Court of Justice decided that the member state is responsible for examining the application, where the unaccompanied minor refugee applied for asylum! The application was admitted to the proceeding in Austria by the constitutional court!**

# Dublin System

- A Syrian Refugee crossed the border in Bulgaria (May 2013), experienced violence at the border. He never applied for Asylum. Because of the bad condition he left Bulgaria and was captured in Hungary, where he was detained in prison, so he had to apply for Asylum. After his release he applied for Asylum in Austria.
- Hungary didn't want to take him back, because of the responsibility of Bulgaria.
- At first Bulgaria didn't answer, in the meantime the UNHCR and ECRE called for temporary halt of Dublin transfers to Bulgaria. The Austrian authorities admitted the application to the regular proceeding.
- In April 2014 the UNHCR (unlike ECRE) updated his guidance and lifted the call for the temporary suspension. In May 2014 the Dublin procedure in Austria started again.
- Till November 2013 Austria deported 1.153 Syrian refugees direct at the Austrian Border (Italy and Hungary)

# Challenges for NGOs

- Networking within Europe!
- Increasing cooperation among NGOs and between states, NGOs and European institutions!
- Transfer of knowledge (e.g. sharing of best practice guidelines)!
- Improvements through the implementation of European case law!
- Lobbying at the European institutions on behalf of asylum seekers / refugees!

# Thank you for your kind attention!!!

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